



COUNTY OF LOS ANGELES PROBATION COMMISSION  
9150 EAST IMPERIAL HIGHWAY  
DOWNEY, CALIFORNIA 90242  
(562) 940-2754



**Joe Gardner**  
**President**

**March 6, 2016**

**TO:**

**FROM:** Joe Gardner, President, Probation Commission

**SUBJECT: PROPOSAL TO IMPROVE OVERSIGHT OF THE PROBATION DEPARTMENT.**

Members of the Los Angeles County Probation Commission present this letter to the working group established by the Board of Supervisors tasked to assess oversight of the Probation Department. The commission offers this letter to clarify the functions and current authority of the Probation Commission and to provide a solution to improving oversight of the Probation Department.

At this time, interpretations of the commission's statutory<sup>1</sup> mission vary wildly from, for example, those expressed by County Counsel in its letter dated August 4, 2006 that the commission's sole duty is "to function in an advisory capacity to the Probation Officer" to a Legislative Counsel opinion dated August 16, 2006 whose view is that we have far-reaching oversight responsibilities over the Probation Department.

**Recommendations**

The commission is therefore recommending the Board of Supervisors affirm what already exists in Sections 229, 229.5 and 230 of the Welfare and Institutions Code. (see attached) The commission suggests the Board of Supervisors consider passage of a county ordinance that would empower the commission through a separate grant of authority. The ordinance as suggested by the commission includes the following powers and duties:

- To conduct inspections of Probation Department juvenile facilities per Title 15, CCR, § 1313 no less than once a year;
- To submit a report to the Board of Supervisors on an annual basis summarizing the commission's findings;
- Provision for staff adequate to assist the commission in exercising its duties;
- The commission should be empowered to participate in the selection of the new Chief – perhaps to hear from finalists for the position, and make a recommendation to the Board of Supervisors;

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<sup>1</sup> See Cal. W & I Code §§ 225-236, 240-243

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- Subpoena power if necessary to secure the appearance of individuals before the commission;
- To conduct hearings on selected topics including the conditions of custody of detained minors, the services offered to youth under supervision in the field, etc. Witnesses to include members of the community and youth in addition to probation staff;
- To receive all fiscal audits of department funds whether internal or external;
- To review proposed budgets for the department and submit comments to the Chief Executive Officer and the Board of Supervisors, if appropriate;
- To be granted access to statistics and data collected/kept by the department in the course of business;
- To be informed of all programs administered by county departments that provide services to juveniles and adults on probation;
- To receive input from appropriate community groups and individuals concerning county administered probation services programs;
- To review and make recommendations to the Board of Supervisors concerning legislation dealing with probation services;
- To make recommendations as necessary to various department heads to improve services to individuals on probation;
- To make recommendations as necessary to the Board of Supervisors on action to be taken to improve probation services.

These suggestions along with those duties under the law, outlined in the Welfare and Institution Code previously mentioned would go a long way to improving the commission's ability to perform oversight of the Probation Department.

### **History**

As a brief overview, the Probation Commission was created in 1903 and is one of the County's oldest official bodies. There are fifteen members of the commission, appointed by the Board of Supervisors. Members are selected to represent the diversity of the community and each commissioner possesses expertise from a variety of professional disciplines, from education, public health, from the judicial system, youth advocacy and law enforcement.

Under the provisions of Section 240 et seq. of the California State the Welfare and Institution Code, the establishment of the commission is mandatory and consequently has a permanent status in county government. It also meets the additional requirement that each county in California

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have a juvenile justice commission. It is given this authority under Article IV, Section 14 of the Los Angeles County Charter. Pursuant to this County Charter, the commission is an executive office and serves as an advisory oversight body to the Chief Probation Officer and the Probation Department.

### **Functions**

The Probation Commission conducts monthly public meeting at the Hall of Administration on the second and fourth Thursday of each month. All meetings are governed by the Brown Act. Attendees include representatives of the Probation Department and the general public. The purpose meetings are to discuss matters of concern and deficiencies identified by the commission with the mission of correction or remediation by the Probation Department.

The current functions of the commission include the inspections of Probation juvenile halls and camps. Each facility is inspected not less than once a year by a commissioner. The commissioner prepares a written report with his or her findings and circulates that report to the full commission, and appointing supervisors as well as to the department. Such reports have led to the exploration of critical issues such as the use of isolation in the facilities, the nutrition received by youth, and the physical environment within which the youth live. The commission provides annual reports to the Board of Supervisors and it annually shares the findings of its inspection reports with the Board of State and Community Corrections (BSCC).

Commissioners participate in routine exchanges of information with the Board of Supervisors through their Justice Deputies, the Probation Department and public at large. Members of the commission serve as ambassadors of the Probation Commission at Probation Department functions.

The Probation Commission also provides oversight and works in an advisory capacity to the adult side of the Probation Department through membership in the Countywide Criminal Justice Coordination Committee.

### **Resources required**

The Probation Commission performs all these duties, tasks and functions with only minimal support and funding from the county via the Probation Department.

The commission's current authority and mission have been hindered by its lack of resources; we have inadequate support personnel and funding. The additional roles of oversight responsibilities proposed herein require dedicated, capable staff able to assist with the important functions of the commission. Current resources provided by the Probation Department are two secretaries who work in other divisions. The secretaries must divide their time between their primary duties and the tasks and activities generated by the commission. That they are employees of the Probation Department has raised concerns about the commission's autonomy from the Probation Department which is necessary to conduct unbiased oversight. Members of the commission have voiced a need to be separate and unencumbered by the Probation Department. There is also a clear need for dedicated full-time support staff.

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The duties of the commission require the services of a 1.0 Full Time Equivalent Administrative Analyst II position and one 0.3 Full Time Equivalent Legal Processing Specialist (LPS) to perform the following duties:

- Document management that includes preparation and distribution of the agendas, minutes, press releases and monthly recaps.
- The collection and maintenance of inspection reports, responses from the Department, commission bylaws and data ordered and generated by the commission.
- Review of all documents prior to their official release to the public.
- Facilitating and coordinating bi-weekly meetings of the commission.
- Facilitating training and orientation of all commissioners.
- Maintenance of master calendar to assure inspection and reporting timelines and deadlines are met and meetings and other activities are scheduled.
- Maintenance of commission budget and expenditures.
- Coordination of website updates and revisions to assure public transparency.
- Responding to inquiries made to the commission.

In addition to the acquisition of an administrative analyst II and legal processing specialist, the commission requires office space, two computers, computer server space, shared printer and document scanner for staff to work and conduct the business outlined above. The commission would also require a public website and webmaster governed by a county entity outside of the Probation Department and modest budget to facilitate meetings and pay for stipends. In order to stay current with Board of State and Community Corrections best practices, it is essential that a budget include a line item for on-going annual training for the commissioners.

### **Conclusion**

Appointed members of the Probation Commission are professional and dedicated to their role of assuring the humane treatment of those under the supervision of the Probation Department. The commission seeks to collaborate with the Probation Department to deter recidivism with the primary goal of keeping our communities safe.

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The commission will support whatever form of oversight determined to be the most effective for the Probation Department.

I thank the Board of Supervisors Working Group in advance for reviewing this document and appreciate your consideration of the recommendations contained herein and for the work done by the Probation Commission.

Submitted,

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**Attachment-Relevant Sections of the Welfare and Institutions Code**

The language of the statute is clear that the Probation Commission exists in lieu of a county juvenile justice commission.

Underlined the portions of the code empower and require the Probation Commission to perform important duties and functions.

Note that the final section, 230 W.I.C. does not limit the commission's counsel and advice solely to the Chief.

229. It shall be the duty of a juvenile justice commission to inquire into the administration of the juvenile court law in the county or region in which the commission serves. For this purpose, the commission shall have access to all publicly administered institutions authorized or whose use is authorized by this chapter situated in the county or region, shall inspect such institutions no less frequently than once a year, and may hold hearings. A judge of the juvenile court shall have the power to issue subpoenas requiring attendance and testimony of witnesses and production of papers at hearings of the commission. A juvenile justice commission shall annually inspect any jail or lockup within the county which in the preceding calendar year was used for confinement for more than 24 hours of any minor. It shall report the results of such inspection together with its recommendations based thereon, in writing, to the juvenile court and to the Board of Corrections.

229.5. (a) Notwithstanding any other provision of law, a juvenile justice commission may inquire into the operation of any group home that serves wards or dependent children of the juvenile court and is located in the county or region the commission serves. The commission may review the safety and well-being of wards or dependent children placed in the group home and the program and services provided in relation to the home's published program statement. (b) In conducting its review, the commission shall respect the confidentiality of minors' records and other information protected under other provisions of law. It may review court or case records of a child provided it keeps the identities of minors named in those records confidential, and may review the financial records of a group home. However, the commission may not review the personnel records of employees or the records of donors to the group home. (c) The commission shall give the group home manager at least 24 hours' advance notice of a visit to a group home. If the commission believes that there is a serious violation of applicable licensing laws or regulations or that residents of a group home are in danger of physical or mental abuse, abandonment or other substantial threat to their health and safety, the commission shall notify the Community Care Licensing Division of the State Department of Social Services for appropriate action, shall consult with the presiding judge of the juvenile court and chief probation officer as to whether or not a visit is appropriate, and shall notify other juvenile justice commissions of its actions, as appropriate. (d) Upon the completion of a visit, if the commission finds any condition in the group home that poses a danger to its residents or otherwise violates any applicable law, ordinance, or regulation, the commission shall verbally advise the group home manager of its findings, unless it determines that the advisement could be detrimental to the children placed there, and shall send written confirmation of its findings to the group home manager

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within 14 days. The commission may also report its findings to the presiding judge of the juvenile court, chief probation officer, State Department of Social Services, or other juvenile justice commissions as appropriate. A group home manager may meet with the juvenile justice commission, chief probation officer, county welfare director, juvenile court, or the State Department of Social Services to resolve any problem or to submit a plan of correction.

230. A juvenile justice commission may recommend to any person charged with the administration of any of the provisions of this chapter such changes as it has concluded, after investigation, will be beneficial. A commission may publicize its recommendations.

DRAFT

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